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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,426	09/25/2000	Takeshi Igarashi	205701	4028

7590 11/14/2002

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

6

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/669,426

Applicant(s)  
Igarashi et al.

Examiner  
Cam Nguyen

Art Unit  
1754



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/19/02 (amendment/response)
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, and 10 is/are rejected.
- 7) ☒ Claim(s) 4 and 6-9 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

1. Applicants' remarks and amendments, filed on 8/19/02, have been carefully considered.

Claims 11 & 12 have been canceled. Claims 1-10 remain pending in this application.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

In line 2, "form" should be --forming--.

In line 3, "and having a surface" should be changed to --having an iron surface,--.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102(e)***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 5, & 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohmi, "hereinafter Ohmi '424", (U.S. Pat. 5,817,424).

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Ohmi '424 discloses a method of forming a passive oxide film on the surface of the steel pipe (or iron pipe) including the steps of subjecting the interior of a stainless steel pipe to a heat treatment at a temperature of 500°C and for a period of 1 hour in an atmosphere of a gas containing hydrogen and oxygen, with a hydrogen concentration of 10% and oxygen concentration of 100 ppb, forming a passive oxide film on the steel pipe (see col. 8, ln 11-20). The passive oxide film on the steel pipe obtained is further subjected to another heat treatment at a temperature of 500°C with a gas containing hydrogen and oxygen, with hydrogen concentration of 10% and oxygen concentration of 1 ppm, supplied to the interior of the pipe for a period of 1 hour, and the thermal oxidation treatment was conducted (see col. 8, ln 21-29).

Recitation of “a method of producing a hydrocyanic acid synthesis catalyst” in the preamble is noted. It is considered that the passive oxide film formed on the steel pipe surface as disclosed by the reference is the catalyst that applicants claiming, because both applicants and the reference teach to conduct the process in the same manner.

With respect to the claimed hydrogen gas concentration (in claim 5), the claimed hydrogen gas concentration is met by the teaching of the reference since the disclosed range falls within the claimed range (see Ohmi '424 at col. 8, ln 11-20).

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***Allowable Subject Matter***

5. Claims 4 & 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As concern with claims 4 & 6, the prior art does not disclose or fairly suggest a process of preparing a catalyst requiring an oxidative atmosphere having a gas containing from about 5% to 30% by volume of oxygen.

As concern with claims 7-9, the prior art does not disclose or fairly suggest a process of preparing a catalyst requiring an oxidative and a reductive conditions as claimed.

***Response to Applicants' Arguments***

6. Applicants' amendment/response filed on 8/19/02 have been considered, but deemed not persuasive for the following the reasons.

Applicants urged "the process disclosed by Ohmi '424 does not appear to involve sequentially exposing any iron surface to oxidative and reduction atmospheres. Rather, the Ohmi process involves subjecting stainless steel to a heat treatment with a gas containing hydrogen and oxygen together at selected concentrations so as to form a passive oxide film based on chromium oxide..." (applicants' response page 2, last paragraph). This is not found persuasive because regardless of whether the oxidative and reductive treatment were conducted simultaneously or sequentially, the final product is an oxide layer formed on the inner surface of the iron pipe, and

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that since both Ohmi '424 and Applicants form the same product, the sequence of the treatments as discussed above does not seem to distinguish the claimed process from the process of the reference.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Citations***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeda et al. (US Pat. 5,242,665) is cited for related art.

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***Conclusion***

9. Claims 1-12 were pending. Claims 1-3, 5, & 10 are rejected. Claims 4 & 6-9 are objected. Claims 11-12 are canceled. No claims are allowed.

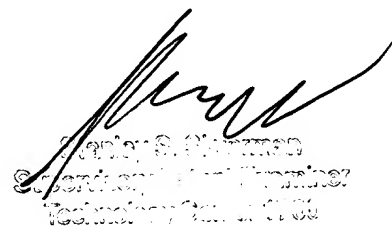
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn *CNN*

November 6, 2002



Cam Nguyen  
Examiner  
Art Unit 1754  
November 6, 2002